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GAU 1642
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*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL



December 3, 2001

WRITER'S DIRECT NUMBER:

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INTERNET ADDRESS:

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Commissioner for Patents
Washington, D.C. 20231

Art Unit 1642

Re: U.S. Utility Patent Application
Appl. No. 09/462,625; §102(e) Date: July 28, 2000
For: **Tumor Growth Inhibition- and Apoptosis-Associated Genes and
Polypeptides and Methods of Use Thereof**
Inventors: Georgiev *et al.*
Our Ref: 0652.1630001/EKS/AGU

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (PTO/SB/17) (*in duplicate*);
2. Petition for Extension of Time Under 37 C.F.R. §1.136(a)(1) (*in duplicate*);
3. Reply to Restriction Requirement;
4. First Supplemental Information Disclosure Statement (*in duplicate*);
5. Form PTO 1449 listing reference AD1;
6. Copy of reference AD1;
7. Our check no. 33173 for \$110.00 to cover a one-month extension of time fee; and
8. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Commissioner for Patents
December 3, 2001
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Andrea Jo Kamagel
for # 43,703

Eric K. Steffe
Attorney for Applicants
Registration No. 36,688

EKS/AGU:kim
Enclosures

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SKGF Rev. 11/01/01 mac

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

PTO
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PATENT & TRADEMARK OFFICE

Complete if Known

Application Number	09/462,625
§102(e) Date	July 28, 2000
First Named Inventor	Georgiev et al.
Examiner Name	Rawlings, S.
Group Art Unit	1642
Attorney Docket No.	0652.1630001/EKS/AGU

TOTAL AMOUNT OF PAYMENT (\$110.00)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number: 19-0036
Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed: Check No. 33173

☒ Check ☐ Credit card ☐ Money Order ☒ Other*
*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) -0-

2. EXTRA CLAIM FEES

Extra Fee from below Fee Paid
Total Claims - 20** = X =
Indep. Claims - 3** = X =
Multiple Dependent =

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
108	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) -0-

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	130	123	130	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	481	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

SUBMITTED BY

Name (Print/Type) Eric K. Steffe

Registration No. (Attorney/Agent)

36,688

Complete (if applicable)

Telephone

202-371-2600

Signature

Andrea J. Kammage # 43,703

Date

12/3/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Georgiev *et al.*

Appl. No. 09/462,625

§102(e) Date: July 28, 2000

For: **Tumor Growth Inhibition- and
Apoptosis-Associated Genes and
Polypeptides and Methods of Use
Thereof**



Confirmation No.

Art Unit: 1642

Examiner: Rawlings, S.

Atty. Docket: 0652.1630001/EKS/AGU

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Reply To Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated October 2, 2001, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-23. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse. Applicants respectfully assert that the claims in Groups I-V are closely related in subject matter. As such, a search of one group of claims is likely to encompass subject matter pertinent to the patentability of all groups. Applicants therefore respectfully assert that no serious burden would be imposed on the Examiner if restriction were not required. Accordingly, withdrawal of the restriction requirement and examination of all claims on the merits is hereby requested.

Applicants acknowledge that, in the Office Action at page 3, the Examiner has also requested election of a single species for the following claims: claim 1, wherein the nucleic acid molecule has a nucleotide sequence that is at least (a) 70% (b) 75% (c) 80% (d) 85% (e) 90% (f) 95% or (g) 99% identical; claim 8, wherein the epitope bearing portion is selected from the group consisting of (a) a polypeptide consisting essentially of amino acid residues from about 20 to about 40 of SEQ ID NO: 2, (b) a polypeptide consisting essentially of amino acid residues from about 55 to about 75 of SEQ ID NO: 2, (c) a polypeptide

consisting essentially of amino acid residues from about 90 to about 110 of SEQ ID NO: 2, and (d) a polypeptide consisting essentially of amino acid residues from about 145 to about 160 of SEQ ID NO: 2; and claim 18, wherein a polypeptide has an amino acid sequence that is at least (a) 70% (b) 75% (c) 80% (d) 85% (e) 90% (f) 95% or (g) 99% identical. Election of single species within claims 30, 31, 33, 34, 42, 43, 47 and 50 is unnecessary since these claims are not within the elected group I.

Applicants hereby provisionally elect a single species of "at least 95%" in claim 1 and claim 18; and "a polypeptide consisting of amino acid residues from about 55 to about 75 of SEQ ID NO:2" in claim 8.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Andrea Jo Kamage
for #43,703

Eric K. Steffe
Attorney for Applicants
Registration No. 36,688

Date: 12/3/01

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